

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ELROY PEDRO GOMEZ,  
Petitioner,  
v.  
WILLIAM “JOE” SULLIVAN,  
Respondent.

Case No. [19-cv-06129-SI](#)

**ORDER EXTENDING DEADLINE TO  
FILE NOTICE OF APPEAL AND  
DENYING CERTIFICATE OF  
APPEALABILITY**

Re: Dkt. Nos. 22, 23

The *pro se* petitioner has filed a request for an extension of the deadline to file a notice of appeal from the October 16, 2020 order denying petition for writ of habeas corpus. The request is GRANTED. Docket Nos. 22, 23. Petitioner must file a notice of appeal from that order no later than **fourteen days** from the date of this order. That deadline will not be extended for any reason. See Fed. R. App. P. 4(a)(5)(C).

The *pro se* petitioner’s request for a certificate of appealability is DENIED. Docket Nos. 22, 23. A certificate of appealability, *see* 28 U.S.C. § 2253(c), will not issue as to the October 16, 2020 order denying petition for writ of habeas corpus because this is not a case in which “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). A certificate of appealability will not issue as to the October 20, 2020 order denying appointment of counsel because this is not a case in which “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural [ruling]” in that order. *Id.* The denial of the certificate of appealability is without prejudice to petitioner seeking a certificate from the United States Court of Appeals for the Ninth Circuit. No further motions should be filed in the district court.

1 The record is somewhat confused as to whether attorney Such is now representing petitioner  
2 or petitioner is proceeding *pro se*. Compare Docket No. 18 (attorney Such listed as counsel) with  
3 Docket Nos. 22 and 23 (documents filed *pro se*). Out of an abundance of caution, the clerk will  
4 send a copy of this order to both petitioner (in prison) and attorney Such, as well as to counsel for  
5 respondent.

6 **IT IS SO ORDERED.**

7 Dated: December 18, 2020



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SUSAN ILLSTON  
United States District Judge